

Message Text

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ACTION ARA-10

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E. O. 11652: N/A
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SUBJECT: ATTORNEY GENERAL'S NEW POLICY ON SMALL DRUG
OFFENDERS

1. THE EMBASSY HAS RECEIVED A COPY OF A PRESS RELEASE ON
THE NEW POLICY ON SMALL DRUG OFFENDERS ISSUED BY THE
MEXICAN ATTORNEY GENERAL'S OFFICE ON MAY 12. A SUMMARY
FOLLOWS:

THE PRESIDENT HAS GIVEN INSTRUCTIONS TO THE ATTORNEY
GENERAL TO CONTINUOUSLY STUDY AND INSPECT THE PROCESS
OF JUSTICE IN MEXICO, SO AS TO MAINTAIN CONSTANT
ACTION TO DELIVER JUSTICE TO THE PEOPLE AND RESPECT
THE INDIVIDUAL RIGHTS OF THE CITIZENS. IN THE
EXAMINATION THAT THE ATTORNEY GENERAL'S OFFICE
CARRIED OUT WITH RESPECT TO CRIMINAL CASES BEFORE
THE DISTRICT JUDGE, IT WAS FOUND THAT A NUMBER OF
PEOPLE WERE ACCUSED OF CRIMES AGAINST PUBLIC HEALTH
FOR POSSESSION OF TRULY SMALL QUANTITIES OF DRUGS.
CONSIDERING WORLD ATTITUDES REGARDING THE PERSONAL
COMSUMPTION OF DRUGS AND THE INDIFFERENCE OF MANY
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YOUNG MEXICANS WITH RESPECT TO THE OCCASIONAL USE
OF MARIJUANA, AND TAKING INTO ACCOUNT THE HARM THAT
IMPRISONMENT CAUSES YOUNG PEOPLE, THE ATTORNEY
GENERAL HAS DECIDED TO DROP CRIMINAL
CHARGES AGAINST PEOPLE ACCUSED WITH THE POSSESSION
OF SMALL QUANTITIES OF ILLEGAL DRUGS. THIS
DECISION BENEFITS 1,943 PRISONERS WHO WILL BE RELEASED.

THE DECISION ONLY AFFECTS CHARGES OF POSSESSION OF A SMALL AMOUNT OF DRUGS AND DOES NOT AFFECT CHARGES OF SELLING, TRAFFICKING, ETC. WITH RESPECT TO THESE CHARGES, THE ATTORNEY GENERAL WILL CONTINUE TO PROSECUTE. END SUMMARY.

2. THE EMBASSY HAS ALSO OBTAINED A COPY OF THE INSTRUCTIONS THE ATTORNEY GENERAL HAS SENT TO THE MEXICAN COURTS FOR PROCESSING THESE CASES. THESE INSTRUCTIONS SPECIFY THE CONDITIONS UNDER WHICH CHARGES MAY BE DROPPED. THE QUANTITY OF DRUG MUST BE SMALL. IF THE DRUG COULD POSSIBLY HAVE BEEN INTENDED TO BE SOLD, AS IN THE CASE OF TRAFFICKING CHARGES, THE CHARGES CANNOT BE DROPPED. ANY PREVIOUS INVOLVEMENT WITH ILLICIT ACTIVITIES SUCH AS THE PLANTING, CULTIVATION, HARVESTING, TRAFFICKING, SELLING, IMPORTATION, OR EXPORTATION OF ILLEGAL DRUGS, DISQUALIFIES A CASE FROM BEING CONSIDERED. IF THE CASE HAS BEEN CONSIGNED TO A JUDGE, THE CHARGES MAY BE DROPPED BY THE MINISTERIO PUBLICO WITHOUT CONSULTING THE ATTORNEY GENERAL. IN ALL CASES, THE ASSUMPTION IS THAT THE DRUG WAS INTENDED TO SATISFY A PERSONAL HABIT OR NECESSITY OF THE ACCUSED. THE INSTRUCTIONS INDICATE THAT AFTER THE CHARGES HAVE BEEN DROPPED IN THESE CASES THE INDIVIDUAL WILL BE PLACED AT THE DISPOSITION OF THE FEDERAL HEALTH AUTHORITIES.

3. FULL TEXT BEING PUCHED.

4. COMMENT: THE ATTORNEY GENERAL/S PRESS RELEASE REFERS UNCLASSIFIED

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ONLY TO CONSIGNED PRISONERS AND MAKES NO REFERENCE TO PRISONERS WHO HAVE BEEN SENTENCED. IN FACT, THE ATTORNEY GENERAL HAS INFORMED EMBASSY THAT PRISONERS WHO HAVE BEEN SENTENCED BUT WHOSE SENTENCE HAS NOT BEEN CONFIRMED BY APPEALS COURT CAN BE RELEASED UNDER THIS POLICY THROUGH WITHDRAWAL OF CHARGES. AT LEAST ONE NAME ON LIST OF U.S. PRISONERS BEING RELEASED WHICH WAS FURNISHED TO EMBASSY BY ATTORNEY GENERAL (MEXICO 07012) WAS PRISONER WHO HAD BEEN SENTENCED. REFERENCE IN ATTORNEY GENERAL'S INSTRUCTIONS TO PLACING RELEASED PRISONERS AT DISPOSITION OF HEALTH AUTHORITIES REFERS TO PRACTICE RE MEXICAN NATIONALS; U.S. NATIONALS ARE BEING RELEASED TO CONOFFS. ALL REMAINING CASES KNOWN TO THE EMBASSY OF INDIVIDUALS ELIGIBLE FOR CONSIDERATION UNDER THE NEW POLICY WILL BE SUBMITTED TO THE ATTORNEY GENERAL'S OFFICE IN THE NEAR FUTURE.

THOMPSON

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